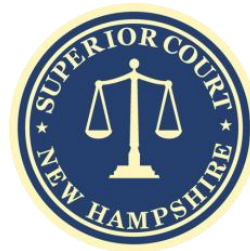


THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT
HILLSBOROUGH COUNTY
SOUTHERN DISTRICT

I, Amy M. Feliciano, Clerk of the Superior Court of the State of New Hampshire for the County of Hillsborough, Southern District, the same being a court of record having a seal, and having custody of the records of the said Superior Court, do hereby certify that the attached are true copies of the Complaint, Summons on Complaint, Appearance of J. Bradford Westgate, Answer of Harbor Homes, Inc., Appearance of J. Daniel Marr, Answer of Enterprise Bank and Trust Company, Appearance of Nicholas A. Kanakis, Answer of Nicholas A. Kanakis, Answer of New Hampshire Community Loan Fund, Inc., Motion to Extend Time for Service, Appearance of Peter J. Nicosia, Request for New Summons, Appearance of Kristin G. Fields, Answer of Ahang Holdings, LLC, two Summons on Complaint, Return of Service, Appearance of William Barry, Answer of GSR Ventures, Inc. Acceptance of Service, Docket Markings as to Zhang Holdings LLC Only, Answer of SPSC Associates LLC, Notice of Removal, in the action case # 226-2024-CV-00102 1987 Tamposi Limited Partnership v. Department of Transportation Federal Aviation Administration, et al of said Superior Court. _____

In witness whereof I have hereunto set my hand
and affixed the seal of said Superior Court at
this 12th day of June A.D. 2024



Kathleen D. Brown

Kathleen D. Brown
Deputy Clerk of Court

June 12, 2024

Amy M. Feliciano
Clerk of Superior Court

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

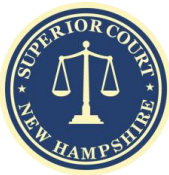
ACCEPTANCE OF SERVICE

NOW COMES, J. Bradford Westgate, Esq., counsel for the Defendant, Harbor Homes, Inc., in the above matter, hereby waiving any right to service by sheriff and accepting service of the Summons and Complaint in the above matter on behalf of Harbor Homes, Inc.

Dated: March 12, 2024



J. Bradford Westgate, Esq. (NH Bar # 2716)
Winer & Bennett, LLP
402 Amherst Street, Suite 302
Nashua, NH 03063
(603) 882-5157
jbwestgate@winerbennett.com



True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP

HILLSBOROUGH COUNTY SC, SOUTH

DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,
INC. & GSR VENTURES, L

04/02/2024

I SUMMONED THE WITHIN NAMED ENTERPRISE BANK, INC.

BY GIVING IN HAND TO TIFFANY CARPENITO, SENIOR BRANCH SERVICE MANAGER FOR
THE WITHIN NAMED, BEING AT 493 AMHERST ST NASHUA, NH, AN ATTESTED COPY OF
THIS SUMMONS AT 10:37am.



DEPUTY SHERIFF AUSTIN BERNARD

RETURN OF SERVICE

MERRIMACK, SS.

03/08/2024

I, DEPUTY MICHAEL A DOYLE, make oath that on 03/08/2024 at 01:45pm, I served the within named NEW HAMPSHIRE COMMUNITY LOAN FUND, INC., by leaving at then office with Amanda Mischke, located at 7 WALL ST, CONCORD, NH, a copy of the Summons and Complaint, attested by the Clerk of the Court.

FEES

Service	\$32.43
Postage	1.00
Travel	18.34
TOTAL	<u>\$51.77</u>



DEPUTY MICHAEL A DOYLE
Merrimack County Sheriff's Office

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD
GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP
HILLSBOROUGH COUNTY SC, SOUTH
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,
INC. & GSR VENTURES, L

04/18/2024

I SUMMONED THE WITHIN NAMED **GSR VENTURES, LLC**
BY LEAVING AT THE ABODE OF GERALD ROTH, REGISTERED AGENT FOR THE WITHIN
NAMED, BEING AT 10 QUARRY RD NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS
AT 07:05pm.



DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP

HILLSBOROUGH COUNTY SC, SOUTH

DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,
INC. & GSR VENTURES, L

04/09/2024

I SUMMONED THE WITHIN NAMED **MILLYARD BANK**

BY GIVING IN HAND TO FRANK TEAS, PRESIDENT FOR THE WITHIN NAMED, BEING AT
57 NORTHEASTERN BLVD NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS AT
11:43am.



DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD
GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP
HILLSBOROUGH COUNTY SC, SOUTH
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,
INC. & GSR VENTURES, L

04/18/2024

I SUMMONED THE WITHIN NAMED NASHUA ELKS LODGE 720
BY GIVING IN HAND TO ROB SCHNEIDER, EXALTED RULER FOR THE WITHIN NAMED,
BEING AT 12 MURPHY DR Apt. #3 NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS
AT 06:54pm.



DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD
GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP
HILLSBOROUGH COUNTY SC, SOUTH
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,
INC. & GSR VENTURES, L

04/09/2024

I SUMMONED THE WITHIN NAMED ZHANG HOLDINGS, LLC
BY GIVING IN HAND TO XIAOZHONG ZHANG, REGISTERED AGENT FOR THE WITHIN
NAMED, BEING AT 12 MURPHY DR Apt. #100 NASHUA, NH, AN ATTESTED COPY OF THIS
SUMMONS AT 11:38am.



DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2033-CP
HILLSBOROUGH COUNTY SC, SOUTH
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. TD BANK

03/07/2024

I SUMMONED THE WITHIN NAMED TD BANK
BY GIVING IN HAND TO ANGEL CUADRADO, STORE MANAGER FOR THE WITHIN NAMED,
BEING AT 300 FRANKLIN ST MANCHESTER, NH, AN ATTESTED COPY OF THIS SUMMONS
AT 10:40am.



DEPUTY SHERIFF PAUL MONTRAY

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICT

SUPERIOR COURT
226-2024-CV-00102

1987 Tamposi Limited Partnership

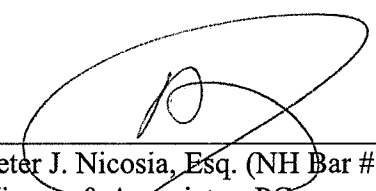
v.

Department of Transportation, Federal Aviation Administration et al

ACCEPTANCE OF SERVICE

NOW COMES, Peter J. Nicosia, Esq., counsel for the Defendant, SPSC Associates LLC,
in the above matter, hereby waiving any right to service by sheriff and accepting service of the
Summons and Complaint in the above matter.

Dated: 5/7/24



Peter J. Nicosia, Esq. (NH Bar # 14922)
Nicosia & Associates, PC
P.O. Box 721
259 Middlesex Road
Tyngsboro, MA 01879
(978) 649-4300
nicosia@nicosia-associates.com

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>



SUMMONS IN A CIVIL ACTION

1987 Tamposi Limited Partnership v Department of Transportation Federal

Case Name: **Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

- April 18, 2024 1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
- May 09, 2024 1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
- 30 days after Defendant is served Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

Notice to Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolis, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060

Department of Transportation	12 New England Executive Park Burlington MA 01803
Federal Aviation	
Administration	
Harbor Homes, Inc	45 Hight Street Nashua NH 03060
Enterprise Bank	493 Amherst Street Nashua NH 03063
New Hampshire Community	7 Wall Street Concord NH 03301
Loan Fund, Inc	
GSR Ventures, LLC	10 Quarry Road Nashua NH 03062
The Millyard Bank	57 Northeastern Boulevard Nashua NH 03062
Nashua Lodge 720 Benevolent	12 Murphy Drive Unit 3 Nashua NH 03062
and Protective Order of Elks	
Zhang Holdings, LLC	12 Murphy Drive Suite 100 Nashua NH 03062
TD Bank, NA	300 Franklin Street Manchester NH 03101
SPSC Associates, LLC	c/o Residuary Trust under Article Fourth u/w/o James F Gieber
	10 Drum Hill Lane Randolph NJ 07869

BY ORDER OF THE COURT

March 04, 2024

Amy M. Feliciano
Clerk of Court

(1261021)

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE TO DEFENDANT

1987 Tamposi Limited Partnership v Department of Transportation

Case Name: **Federal Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.state.nh.us.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102**1987 Tamposi Limited Partnership**
20 Trafalgar Square, Suite 310
Nashua, New Hampshire 03063

v.

Department of Transportation
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803

and

Harbor Homes, Inc.
45 High Street
Nashua, New Hampshire 03060

and

Enterprise Bank
493 Amherst Street
Nashua, New Hampshire 03063

and

New Hampshire Community Loan Fund, Inc.
7 Wall StreetConcord, New Hampshire 03301
and**GSR Ventures, LLC**
10 Quarry Road
Nashua, New Hampshire 03062

and

The Millyard Bank
57 Northeastern Boulevard
Nashua, New Hampshire 03062

and

**Nashua Lodge 720 Benevolent and Protective Order
of Elks of the United States of America**12 Murphy Drive, Unit 3
Nashua, New Hampshire 03062

and

Zhang Holdings LLC
12 Murphy Drive, Suite 100
Nashua, New Hampshire 03062

and
TD Bank, NA
300 Franklin Street
Manchester, New Hampshire 03101
and
SPSC Associates, LLC
c/o Residuary Trust under Article Fourth u/w/o James F Gieber
10 Drum Hill Lane
Randolph, New Jersey 07869

PETITION TO QUIET TITLE

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, P.A. and complains against the Defendants, Department of Transportation FAA, Harbor Homes, Inc., Enterprise Bank, Community Loan Fund, GSR Ventures, LLC, Millyard Bank, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America, Zhang Holdings, LLC, TD Bank, NA and SPSC Associates, LLC c/o Residuary Trust under Article Fourth u/w/o James F Gieber, and states as follows:

PARTIES

1. The Plaintiff, 1987 Tamposi Limited Partnership, a New Hampshire limited partnership with a principal place of business at 20 Trafalgar Square, Suite 310, Nashua, New Hampshire.
2. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is a United States government organization with a mailing address of 12 New England Executive Park, Burlington, Massachusetts.
3. The Defendant, Harbor Homes, Inc. is a New Hampshire non-profit corporation with a principal place of business at 45 High Street, Nashua, New Hampshire.

4. The Defendant, Enterprise Bank and Trust Company is a foreign profit corporation with a principal address of 222 Merrimack Street, Lowell, Massachusetts with a branch office located at 493 Amherst Street, Nashua, New Hampshire.

5. The Defendant, New Hampshire Community Loan Fund, Inc. is a New Hampshire non-profit corporation with a principal address of 7 Wall Street, Concord, New Hampshire.

6. The Defendant, GSR Ventures, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Unit 100, Nashua, New Hampshire.

7. The Defendant, The Millyard Bank is a domestic profit corporation with a principal address of 57 Northeastern Boulevard, Nashua, New Hampshire.

8. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is a New Hampshire non-profit corporation with a principal address of 12 Murphy Drive, Unit 3, Nashua, New Hampshire.

9. The Defendant, Zhang Holdings, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Suite 100, Nashua, New Hampshire.

10. The Defendant, TD Bank, N.A., is a national banking association, with a principal address at 2035 Limestone Road, Wilmington, Delaware with a local main office at 300 Franklin Street, Manchester, New Hampshire.

11. The Defendant, SPSC Associates, LLC is a domestic limited liability company with a mailing address of c/o Residuary Trust under Article Fourth u/w/o James F Gieber, 10 Drum Hill Lane, Randolph, New Jersey.

12. This court has jurisdiction as the real estate in question is owned by the Plaintiff is located in Nashua, County of Hillsborough and State of New Hampshire.

FACTS

13. The Plaintiff is the owner of the real estate located at 57 Northeastern Boulevard, Nashua, New Hampshire, and shown as Tax Map 140, Lot 68 on the City of Nashua Tax Assessor's sheets. The property was conveyed to the Plaintiff by deed of Q. Peter Nash and Debra A. Nash, Trustees of the Gerald Q. Nash 1987 Trust, David Tully and Samuel A. Tamposi, Jr. Trustees of the Samuel A. Tamposi 1987 Trust, Ballinger Properties, LLC and Five N Associates, dated April 5, 1995, and recorded in the Hillsborough County Registry of Deeds in Book 5620, Page 601. Reference is also made to a name change document recorded in said Registry February 1, 2000 in Book 6205, Page 1463.

14. The Plaintiff's property is also shown as Lot 68/Sheet 140 on a Plan of Land entitled "Subdivision Plan, 55 Northeastern Boulevard, Nashua, NH" dated May 28, 2002 and recorded in the Hillsborough County Registry of Deeds as Plan No. 32343.

15. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is the owner of property located at 11 Murphy Drive, Nashua, New Hampshire and acquired title by deed dated August 18, 1995 and recorded in the Hillsborough County Registry of Deeds in Book 5649, Page 1296.

16. Harbor Homes, Inc. is the owner of property located at 75-77 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated January 11, 2017 and recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1207.

17. The Defendant, Enterprise Bank and Trust Company is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1210 and an Assignment of Rents and Leases recorded at Book 8936, Page 1232.

18. The Defendant, New Hampshire Community Loan Fund, Inc. is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage is recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1237 and an Assignment of Rents and Leases recorded at Book 8936, Page 1257.

19. GSR Ventures is the owner of 12 Murphy Drive, Unit 100, Nashua, New Hampshire and acquired title by deed dated August 15, 2005 and recorded in the Hillsborough County Registry of Deeds in Book 7524, Page 2615.

20. The Defendant, The Millyard Bank is the holder of a mortgage granted by GSR Ventures, LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9642, Page 2915 and an Assignment of Rents and Leases recorded at Book 9642, Page 2932.

21. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is the owner of property located at 12 Murphy Drive, Unit 3, Nashua, New Hampshire and acquired title to the property by deed dated July 22, 2016 and recorded in the Hillsborough County Registry of Deeds at Book 8877, Page 2882.

22. The Defendant, Zhang Holdings LLC is the owner of property located at 12 Murphy Drive, Suite 100, Nashua, New Hampshire and acquired title to the property by deed dated March 23, 2023 and recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2200.

23. The Defendant, TD Bank, N.A. is the holder of a mortgage granted by Zhang Holdings LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2202 and an Assignment of Leases and Rents recorded at Book 9690, Page 2236.

24. SPSC Associates, LLC is the owner of property located at 85 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated April 22, 1999 and recorded in the Hillsborough County Registry of Deeds at Book 6093, Page 1165.

25. The above-referenced Subdivision Plan was submitted to the City of Nashua Planning Board. Following a public hearing and on August 8, 2002, the City of Nashua Planning Board approved the Subdivision Plan. The plan of land creating the Plaintiff's lot was recorded in the Hillsborough County Registry of Deeds on March 21, 2003 as Plan No. 32343.

26. The subdivision application and the approved plan depicted the creation of the Plaintiff's lot whereby the lot would contain 2.18 acres.

27. On May 13, 2003, the City of Nashua Building Inspector issued a "Foundation Only" building permit for the property. In 2003, the Plaintiff constructed the foundation in accordance with the permit. The foundation is set back approximately 30 feet from Northeastern Boulevard.

28. A site plan dated September 4, 2019 was prepared on behalf of the Plaintiff and submitted with the City of Nashua Planning Board. The 2019 site plan depicted a two-story building with associated parking areas, accessways, walkways and drainage areas. The site plan depicted a building with less than 75 feet building setback from Northeastern Boulevard.

29. A 28,000 square foot commercial office building and improvements including parking, access ways, drainage areas and landscaping was constructed on the property in 2020. The building was constructed on the foundation installed in 2003.

30. The site plan depicted paving and other artificial surface areas, some of which had a setback of less than 10 feet from all property lines on the lot.

31. The 2019 site plan also depicted the lot as containing 2.18 acres.

32. On April 4, 1977, Samuel A. Tamposi and Gerald Q. Nash executed a Declaration of Covenants which was recorded in the Hillsborough County Registry of Deeds on April 20, 1977 at Book 2521, Page 631, hereinafter “Covenants”. A copy of the Covenants is attached hereto as Exhibit 1.

33. The Covenants imposed several restrictions on the Plaintiff’s property including the following Covenants:

- A. There shall be no use or sale or conveyance of any lot in the above-described parcels unless such lot shall be at least three (3) acres in size.
- B. No more than forty percent (40%) of the area of any such lot shall be utilized by any buildings or structures or combination thereof.
- C. Every building or structure on any such lot shall be set back a minimum of seventy-five (75) feet from all street lines, and a minimum of thirty (30) feet from all other property lines of the lot on which they stand. All paving or other artificial surfacing shall be set back a minimum of ten (10) feet from all property lines of the lot on which it is placed.
- ...
- H. The said premises shall be used in conformity with the requirements of the Zoning Ordinance of the City of Nashua as amended to July 22, 1966.

34. Since 2002, the subject parcel has contained 2.18 acres whereas Covenant A requires 3 acres.

35. The subject property contains building area, including paved areas, access ways and walk ways, which comprise more than 40% of the area of the lot.

36. The building on the property is located less than 75 feet from Northeastern Boulevard, specifically, the building is located approximately 30 feet from Northeastern Boulevard and elements of the paving and other artificial surface areas are not set back 10 feet from all property lines.

37. The violation of the lot size and location of the building foundation has been in existence for over 21 years. The violation of lot lines has been publicly disclosed, notice of which was provided to the Defendants or their predecessors in title and installed in such a way that it has been open, obvious and notorious.

38. The building, ancillary structures, improvements and setbacks conform to the Zoning Ordinance for the City of Nashua in effect at the time of the construction. The Zoning Ordinance in effect in 1966 is not applicable to the building as constructed and approved decades later.

39. No person acting through the Defendants or any other person have protested or objected to any violation of the Covenants or otherwise sought to enforce the Covenants.

40. At the time of the creation of the Covenants in 1977, the Plaintiff's property was vacant. The improvements and structures constructed are significant changes to the property. These improvements are in harmony with the existing uses of the area including the uses of the Defendants' properties. The Defendants would not be benefitted by enforcement of the Covenants.

41. Injunctive relief against violation of the obligations arising out of a promise respecting the use of land cannot be secured if conditions have so changed since the making of the promise as to make it impossible longer to secure in a substantial degree the benefits intended to be secured by the performance of the promise. See *Restatement (First) of Property* § 564 (1944) cited in *Goldberg v Al Tinson, Inc.* 115 N.H. 271, 274 ((1975).

42. All actions of the Plaintiff were done in a public manner, openly and conspicuously. In reliance upon the lack of any objection, the building was constructed on the

property and in conformance with the site plan and subdivision plan. Any enforcement of the Covenants is unreasonable and will cause substantial prejudice to the Plaintiff.

43. Because it is an equitable doctrine, “laches will constitute a bar to suit only if the delay was unreasonable and prejudicial.” *Jenot v. White Mt. Acceptance Corp.*, 124 N.H. 701, 710, 474 A.2d 1382, 1387 (1984).

44. The Covenants constitute a cloud upon the Plaintiff’s title to the property and no benefit would accrue to the Defendants by any enforcement thereof.

45. Plaintiff seeks a declaratory ruling that the Covenants are null and void and that an enforcement action cannot be maintained as a result of the expiration of 20 years since the lot was created and the foundation installed, the changed circumstances and the unreasonable delay on behalf of the Defendants or any other person or entity thereunder who would have standing to enforce the Covenants.

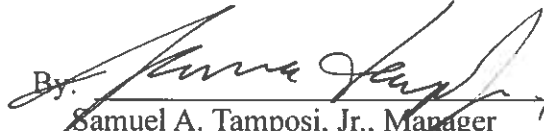
WHEREFORE, the Plaintiff respectfully requests:

- A. That the Court schedule this matter for a hearing on the merits;
- B. That the Court issue and rule that the Defendants may not enforce the Covenants so that the Plaintiff may continue to use and occupy the building, structures and improvements constructed on Lot 68/140 being 57 Northeastern Boulevard, Nashua, New Hampshire consistent with the site plans and permits as approved by the City of Nashua, unencumbered by the Declaration of Covenants;
- C. For such other and further relief as may be just.

Respectfully submitted,


1987 TAMPOSI LIMITED PARTNERSHIP,
By Its Sole General Partner,
Ballinger Properties, L.L.C.

Dated: February 26, 2024

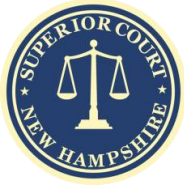
By: , Manager
Samuel A. Tamposi, Jr., Manager

BY AND THROUGH ITS ATTORNEYS,
GOTTESMAN & HOLLIS, PA

Dated: February 26, 2024

By: 
Paul M. DeCarolis, Esq. (NH Bar #596)
39 East Pearl Street
Nashua, NH 03060
(603) 889-5959
pdecarolis@nh-lawyers.com

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

A handwritten signature in black ink, appearing to read "Amy M. Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

AFFIDAVIT OF SERVICE

I, Paul M. DeCarolis, counsel for the Plaintiff, 1987 Tamposi Limited Partnership, under oath, and states as follows:

1. On February 27, 2024, Plaintiff filed its Petition to Quiet Title with this Court relating to various defendants.
2. On March 6, 2024, Plaintiff's counsel forwarded the Summonses and Petitions to Quiet Title to the multiple sheriff departments for service on the various defendants. As to defendant Department of Transportation, Federal Aviation Administration, the Summons and Petition to Quiet Title was forwarded to the Middlesex County Sheriff's Office for service on the FAA at 12 New England Executive Park in Burlington, Massachusetts. On April 2, 2024, undersigned counsel received a call from the Middlesex County Sheriff's Office indicating that they were backlogged and were attempting to serve the FAA prior to the service deadline. On May 9, 2024, the Middlesex County Sheriff's Office returned the Summons and Petition to Quiet Title as undeliverable as they were unable to gain access to the secured facility at 12 New England Executive Park in Burlington, Massachusetts.
3. On April 18, 2024, Plaintiff's counsel filed a Motion to Extend the Deadline for service on multiple defendants. The Court approved the Motion on April 30, 2024.

4. On May 16, 2024, pursuant to RSA 510:4, a copy of the Summons and Petition to Quiet Title was served upon the New Hampshire Secretary of State and the \$10.00 fee was paid on behalf of the defendant. A copy of the return of service is attached as Exhibit A.

5. On May 20, 2024, a copy of the process served upon the Secretary of State was sent by registered mail, postage prepaid, return receipt requested to the Department of Transportation, Federal Aviation Administration at its address of 12 New England Executive Park, Burlington, Massachusetts 01803.

6. The registered mail, postage prepaid, return receipt requested was returned on May 28, 2024 indicating that the registered mail was received by the Department of Transportation, Federal Aviation Administration at its address of 12 New England Executive Park, Burlington, Massachusetts 01803 on May 22, 2024. See postage return receipt card is attached as Exhibit B.

Dated: May 28, 2024



Paul M. DeCarolus, NH Bar No. 596
Gottesman & Hollis, PA
39 East Pearl Street
Nashua, NH 03060
(603)318-0447
pdecarolis@nh-lawyers.com

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

Subscribed and sworn to on this 28th day of May, 2024.



Justice of the Peace

Cynthia M. Genest
★ Justice of the Peace, New Hampshire ★
My Commission Expires July 12, 2027

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.

A handwritten signature in blue ink, appearing to read "Paul M. DeCarolus", is written over a horizontal line.

Paul M. DeCarolus, Esq.

Merrimack County Sheriff's Office

DAVID A. CROFT
333 Daniel Webster Hwy
Boscawen, NH 03303
Phone: 603-796-6600

EXHIBIT A

DOT, FEDERAL AVIATION ADMINISTRATION
12 NEW ENGLAND EXECUTIVE PARK
BURLINGTON, MA 01803

AFFIDAVIT OF SERVICE

MERRIMACK, SS.

5/16/24

I, SERGEANT STACIE FISKE, this date at 11:10 a.m./p.m., summoned the within named defendant DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION as within commanded by leaving at the office of David Scanlan, Secretary of State of New Hampshire, its true and lawful Attorney for the service of process under, and by virtue of, Chapter 510:4, New Hampshire Revised Statutes Annotated, as amended, a true and attested copy of this Summons and Complaint w/ Petition to Quiet Title, and I paid the Secretary of State ten (\$10.00) dollars as his fee for accepting service.

FEES

Service	\$32.43
Postage	1.00
Travel	18.34
PD to SOS	10.00
TOTAL	<u>\$61.77</u>


SERGEANT STACIE FISKE
Merrimack County Sheriff's Office

EXHIBIT B

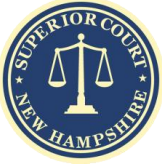
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Carlos A Ruiz</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Dept of Transportation FAA New England Region 12 New England Executive Burlington MA 01803 Paul</i></p>		<p>B. Received by (Printed Name) <i>Carlos A Ruiz</i></p>	<p>C. Date of Delivery <i>5/22/24</i></p>
<p>2. Article Number (Transfer from service label)</p> <p>RE 277 714 423 US</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery </p>		<p> <input type="checkbox"/> Priority Mail Express® <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </p>	
<p>9590 9402 8708 3310 6706 96</p>		<p>Mail Restricted Delivery .00)</p>	

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

SOUTHERN DISTRICT

SUPERIOR COURT



True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration, et al

226-2024-CV-00102

**ENTERPRISE BANK AND TRUST COMPANY'S ANSWER
TO PLAINTIFF'S PETITION TO QUIET TITLE**

NOW COMES Enterprise Bank and Trust Company, by and through its attorneys, Hamblett & Kerrigan, and Answers the Petition to Quiet Title as follows:

1. Enterprise Bank and Trust Company (hereinafter "Enterprise Bank") is the secured lender of Harbor Homes, Inc. (hereinafter "Harbor Homes") related to this property. Having reviewed the Answer of Harbor Homes to Plaintiff's Petition, Enterprise Bank incorporates by reference their responses thereto. Further, Enterprise Bank takes no further position other than those taken by its borrower Harbor Homes.

WHEREFORE, Enterprise Bank respectfully requests this Honorable Court to:

- A. Provide due consideration to the Petition, Harbor Home's Answers, and all other Answers and pleadings filed by and on behalf of all the parties; and
- B. Grant such other and further relief as is just and proper.

Respectfully submitted,
ENTERPRISE BANK AND TRUST COMPANY
By Its Attorneys,
HAMBLETT & KERRIGAN, P.A.

DATED: APRIL 11, 2024

By: /s/ J. Daniel Marr

J. DANIEL MARR, ESQUIRE

NH Bar No.: 4091

20 Trafalgar Square

Suite 505

Nashua, NH 03063

(603) 883-5501

dmarr@hamker.com

CERTIFICATE OF SERVICE

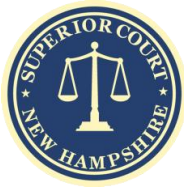
I hereby certify that I have this day served the foregoing **Enterprise Bank and Trust Company's Answer to Plaintiff's Petition to Quiet Title** via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

DATED: APRIL 11, 2024

/s/ J. Daniel Marr

J. DANIEL MARR, ESQUIRE

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

ANSWER BY GSR VENTURES, LLC. TO PETITION TO QUIET TITLE

NOW COMES GSR Ventures, LLC, a Defendant in the above matter, by and through its counsel, Barry & Honorow, PLLC, and ANSWERS the Petition to Quiet Title filed by 1987 Tamposi Limited Partnership and states as follows, the numbers below corresponding to the numbers in the Petition.

PARTIES

1. GSR Ventures, LLC, ADMITS the statements in paragraph 1.
2. GSR Ventures, LLC, ADMITS the statements in paragraph 2
3. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 3 and thus DENIES the same.
4. GSR Ventures, LLC, ADMITS the statements in paragraph 4.
5. GSR Ventures, LLC, ADMITS the statements in paragraph 5.
6. GSR Ventures, LLC, ADMITS the statements in paragraph 6
7. GSR Ventures, LLC, ADMITS the statements in paragraph 7.
8. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 8 and thus DENIES the same.
9. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 9 and thus DENIES the same.
10. GSR Ventures, LLC, ADMITS the statements in paragraph 10.

11. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 11 and thus DENIES the same.

12. GSR Ventures, LLC, ADMITS the statements in paragraph 12.

FACTS

13. GSR Ventures, LLC, ADMITS the statements in paragraph 13.

14. GSR Ventures, LLC, ADMITS the statements in paragraph 14.

15. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 15 and thus DENIES the same.

16. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 16 and thus DENIES the same.

17. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 17 and thus DENIES the same.

18. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 18 and thus DENIES the same.

19. GSR Ventures, LLC, ADMITS the statements in paragraph 19.

20. GSR Ventures, LLC, ADMITS the statements in paragraph 20.

21. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 21 and thus DENIES the same.

22. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 22 and thus DENIES the same.

23. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 23 and thus DENIES the same.

24. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 24 and thus DENIES the same.

25. GSR Ventures, LLC, ADMITS the statements in paragraph 25.

26. GSR Ventures, LLC, ADMITS the statements in paragraph 26.

27. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 27 and thus DENIES the same.

28. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 28 and thus DENIES the same.

29. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 29 and thus DENIES the same.

30. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 30 and thus DENIES the same.

31. GSR Ventures, LLC, ADMITS the statements in paragraph 31.

32. GSR Ventures, LLC, ADMITS the statements in paragraph 32.

33. GSR Ventures, LLC, ADMITS the statements in paragraph 33.

34. GSR Ventures, LLC, ADMITS the statements in paragraph 34.

35. GSR Ventures, LLC, ADMITS the statements in paragraph 35.

36. GSR Ventures, LLC, ADMITS the statements in paragraph 36.

37. GSR Ventures, LLC, ADMITS that the violation of the lot size and location of the building foundation has been in existence for over 21 years; however, GSR Ventures, LLC, is without information as to the allegations set forth in the second sentence of paragraph 37 and thus DENIES the same.

38. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 38 and thus DENIES the same.

39. GSR Ventures, LLC, ADMITS that it never protested or objected to the violation of the Covenants and did not seek to enforce the Covenants, but is without sufficient information as to whether any other person so protested or objected to any violation of the Covenants or sought to enforce the Covenants and thus DENIES that aspect of paragraph 39.

40. GSR Ventures, LLC, ADMITS the statements in paragraph 40.

41. The statements in paragraph 41 are conclusions or statements of law and thus no response is necessary.

42. GSR Ventures, LLC, ADMITS that the allegations in the first sentence of paragraph 42 but is without sufficient information to admit or deny the allegations in the second and third sentences of paragraph 42 and thus DENIES the same.

43. The statements in paragraph 43 are conclusions or statements of law and thus no response is necessary. GSR Ventures, LLC, states that the more accurate quote from Jenot v. White Mt. Acceptance Corp., 124 N.H. 701 (1984) is “When the delay in bringing suit is less than the applicable limitation period, laches will constitute a bar to suit only if the delay was unreasonable and prejudicial. . . .The party asserting laches **bears** the burden of proving both that the delay was unreasonable and that prejudice resulted from the delay.” *Id.* at 710. Citation omitted. Emphasis added.

44. GSR Ventures, LLC, ADMITS that the Covenants constitute a cloud upon the Plaintiff's title and ADMITS that no benefit would accrue to GSR Ventures, LLC, by any enforcement thereof, but is without sufficient information to admit or deny whether any benefit would accrue to any other Defendants and thus DENIES the same.

45. GSR Ventures, LLC, states that the statements in paragraph 45 are not statements of fact but prayers for relief and/or conclusions at law and thus no response is required.

WHEREFORE, GSR Ventures, LLC, prays that the Court give due consideration to the Petition, GSR Ventures, LLC,'s Answer and all answers and other pleadings filed by or on behalf of all parties.

Respectfully submitted,
GSR Ventures, LLC,
By its Attorneys,
Barry & Honorow, PLLC

Dated: May 15, 2024

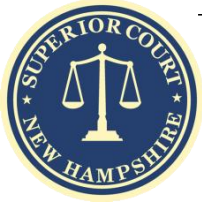
By: /s/ William H. Barry III
William H. Barry III (NH Bar #326)
161 Kinsley Street
Nashua, NH 03060
(603) 883-0474
bill@barrylawoffice.com

CERTIFICATE OF SERVICE

I, William H. Barry III, hereby certify that on May 15, 2024, served the foregoing via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

/s/ William H. Barry III
William H. Barry III

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

ANSWER BY HARBOR HOMES, INC. TO PETITION TO QUIET TITLE

NOW COMES Harbor Homes, Inc., a Defendant in the above matter, by and through its counsel, Winer and Bennett, LLP, and ANSWERS the Petition to Quiet Title filed by 1987 Tamposi Limited Partnership and states as follows, the numbers below corresponding to the numbers in the Petition.

PARTIES

1. Harbor Homes, Inc. ADMITS the statements in paragraph 1.
2. Harbor Homes, Inc. ADMITS the statements in paragraph 2.
3. Harbor Homes, Inc. admits that it is a New Hampshire voluntary (non-profit) corporation, but its principal address is 77 Northeastern Boulevard, Nashua, New Hampshire.
4. Harbor Homes, Inc. ADMITS the statements in paragraph 4.
5. Harbor Homes, Inc. ADMITS the statements in paragraph 5.
6. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 6 and thus DENIES the same.
7. Harbor Homes, Inc. ADMITS the statements in paragraph 7.
8. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 8 and thus DENIES the same.
9. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 9 and thus DENIES the same.
10. Harbor Homes, Inc. ADMITS the statements in paragraph 10.

11. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 11 and thus DENIES the same.

12. Harbor Homes, Inc. ADMITS the statements in paragraph 12.

FACTS

13. Harbor Homes, Inc. ADMITS the statements in paragraph 13.

14. Harbor Homes, Inc. ADMITS the statements in paragraph 14.

15. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 15 and thus DENIES the same.

16. Harbor Homes, Inc. ADMITS the statements in paragraph 16.

17. Harbor Homes, Inc. ADMITS the statements in paragraph 17.

18. Harbor Homes, Inc. ADMITS the statements in paragraph 18.

19. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 19 and thus DENIES the same.

20. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 20 and thus DENIES the same.

21. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 21 and thus DENIES the same.

22. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 22 and thus DENIES the same.

23. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 23 and thus DENIES the same.

24. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 24 and thus DENIES the same.

25. Harbor Homes, Inc. ADMITS the statements in paragraph 25.

26. Harbor Homes, Inc. ADMITS the statements in paragraph 26.

27. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 27 and thus DENIES the same.

28. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 28 and thus DENIES the same.

29. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 29 and thus DENIES the same.

30. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 30 and thus DENIES the same.

31. Harbor Homes, Inc. ADMITS the statements in paragraph 31.

32. Harbor Homes, Inc. ADMITS the statements in paragraph 32.

33. Harbor Homes, Inc. ADMITS the statements in paragraph 33.

34. Harbor Homes, Inc. ADMITS the statements in paragraph 34.

35. Harbor Homes, Inc. ADMITS the statements in paragraph 35.

36. Harbor Homes, Inc. ADMITS the statements in paragraph 36.

37. Harbor Homes, Inc. admits that the violation of the lot size and location of the building foundation has been in existence for over 21 years; however, Harbor Homes, Inc. is without information as to the allegations set forth in the second sentence of paragraph 37 and thus DENIES the same.

38. Harbor Homes, Inc. ADMITS the statements in paragraph 38.

39. Harbor Homes, Inc. admits that it never protested or objected to the violation of the Covenants and did not seek to enforce the Covenants, but is without sufficient information as to whether any other person so protested or objected to any violation of the Covenants or sought to enforce the Covenants and thus DENIES that aspect of paragraph 39.

40. Harbor Homes, Inc. ADMITS the statements in paragraph 40.

41. The statements in paragraph 41 are conclusions or statements of law and thus no response is necessary.

42. Harbor Homes, Inc. admits that the allegations in the first sentence of paragraph 42 but is without sufficient information to admit or deny the allegations in the second and third sentences of paragraph 42 and thus DENIES the same.

43. The statements in paragraph 43 are conclusions or statements of law and thus no response is necessary.

44. Harbor Homes, Inc. admits that the Covenants constitute a cloud upon the Plaintiff's title and admits that no benefit would accrue to Harbor Homes, Inc. by any enforcement thereof, but is without sufficient information to admit or deny whether any benefit would accrue to any other Defendants and thus DENIES the same.

45. Harbor Homes, Inc. states that the statements in paragraph 45 are not statements of fact but prayers for relief and/or conclusions at law and thus no response is required.

WHEREFORE, Harbor Homes, Inc. prays that the Court give due consideration to the Petition, Harbor Homes, Inc.'s Answer and all answers and other pleadings filed by or on behalf of all parties.

Respectfully submitted,
Harbor Homes, Inc.
By its Attorneys,
Winer and Bennett, LLP

Dated: April 11, 2024

By: /s/ J. Bradford Westgate
J. Bradford Westgate, Esq. (NH Bar #2716)
402 Amherst Street, Suite 302
Nashua, NH 03063
(603) 882-5157
jwestgate@winerbennett.com

CERTIFICATE OF SERVICE

I, J. Bradford Westgate, Esq., hereby certify that on April 11, 2024, served the foregoing via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

/s/ J. Bradford Westgate
J. Bradford Westgate, Esq.

STATE OF NEW HAMPSHIRE

HILLSBOROUGH
SOUTHERN DISTRICTSUPERIOR COURT
DOCKET NO. 226-2024-CV-00102

True Copy Attest

A handwritten signature in blue ink, likely belonging to Amy M. Feliciano.

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration, et al

ANSWER

New Hampshire Community Loan Fund, Inc. Answers the Petition to Quiet Title as follows:

1. New Hampshire Community Loan Fund, Inc. is a secured lender of Harbor Homes, Inc. related to this property. Having reviewed Harbor Homes, Inc.'s Answer to the Petition to Quiet Title, New Hampshire Community Loan Fund, Inc. incorporates by reference Harbor Homes, Inc.'s responses thereto. New Hampshire Community Loan Fund Inc. takes no further position other than those taken by Harbor Homes, Inc.

New Hampshire Community Loan Fund, Inc. respectfully requests this Honorable Court:

- A. Provide due consideration to the Petition, Harbor Home's Answers, and all other Answers and pleadings filed by and on behalf of all the parties; and
- B. Grant such other relief as may be just.

Respectfully submitted,

New Hampshire Community Loan Fund, Inc.
By its attorney,
Smith-Weiss Shepard & Kanakis, P.C.

Dated: April 12, 2024

By: /s/ Nicholas A. Kanakis
Nicholas A. Kanakis NH Bar #268252
47 Factory Street
Nashua, NH 03060
(603) 417-3450
nak@nhlaw-nashua.com

Certificate of Service

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Date: April 12, 2024

/s/ Nicholas A. Kanakis

Nicholas A. Kanakis, Esquire

THE STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS
SOUTHERN DISTRICT

SUPERIOR COURT
226-2024-CV-00102

1987 Tamposi Limited Partnership,
PLAINTIFF

v.

Department of Transportation
Federal Aviation Administration, et al
DEFENDANTS



True Copy Attest

A handwritten signature in blue ink, appearing to read "Amy Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024

DEFENDANT SPSC ASSOCIATES, LLC
ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES, the Defendant SPSC Associates, LLC and hereby ANSWERS the Plaintiff's Complaint as follows:

PARTIES

1. Insufficient knowledge to admit or deny.
2. Insufficient knowledge to admit or deny.
3. Insufficient knowledge to admit or deny.
4. Insufficient knowledge to admit or deny.
5. Insufficient knowledge to admit or deny.
6. Insufficient knowledge to admit or deny.
7. Insufficient knowledge to admit or deny.
8. Insufficient knowledge to admit or deny.
9. Insufficient knowledge to admit or deny.
10. Insufficient knowledge to admit or deny.
11. Admit as to the mailing address.
12. Insufficient knowledge to admit or deny.

FACTS

13. Public record speaks for itself.
14. Public record speaks for itself.
15. Public record speaks for itself.
16. Public record speaks for itself.
17. Public record speaks for itself.
18. Public record speaks for itself.

19. Public record speaks for itself.
20. Public record speaks for itself.
21. Public record speaks for itself.
22. Public record speaks for itself.
23. Public record speaks for itself.
24. Admit.
25. Insufficient knowledge to admit or deny. Public record speaks for itself.
26. Insufficient knowledge to admit or deny. Public record speaks for itself.
27. Insufficient knowledge to admit or deny. Public record speaks for itself.
28. Insufficient knowledge to admit or deny. Public record speaks for itself.
29. Insufficient knowledge to admit or deny.
30. Insufficient knowledge to admit or deny. Public record speaks for itself.
31. Insufficient knowledge to admit or deny. Public record speaks for itself.
32. Insufficient knowledge to admit or deny. Public record speaks for itself.
33. Insufficient knowledge to admit or deny. Public record speaks for itself.
34. Insufficient knowledge to admit or deny.
35. Insufficient knowledge to admit or deny.
36. Insufficient knowledge to admit or deny.
37. Insufficient knowledge to admit or deny.
38. Insufficient knowledge to admit or deny.
39. Insufficient knowledge to admit or deny.
40. Insufficient knowledge to admit or deny.
41. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
42. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
43. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
44. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
45. Calls for a legal conclusion. Insufficient knowledge to admit or deny.

PRAYER FOR RELIEF

WHEREFORE, THE DEFENDANT SPSC ASSOCIATES, LLC REQUESTS THE COURT TO GIVE DUE CONSIDERATION TO THE PLEADINGS ON FILE IN THE CASE AND FOR SUCH FURTHER RELIEF AS THE COURT DEEMS FAIR AND EQUITABLE.

Dated: June 7, 2024

RESPECTFULLY SUBMITTED,
SPSC ASSOCIATES, LLC
BY ITS ATTORNEYS,

/s/Peter J. Nicosia, Esq.

Peter J. Nicosia, Esquire
NH Bar #14922
Nicosia & Associates, PC
PO Box 721, 259 Middlesex Road,
Tyngsboro, MA 01879

T: 978-649-4300
F: 978-649-9306
E:nicosia@nicosia-associates.com

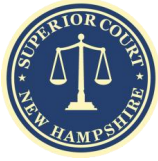
Certificate of Service

I Peter J. Nicosia, Attorney for the Defendant SPSC Associates LLC do hereby certify that I have caused the attached pleading to be served upon all parties and/or counsel of record by virtue of the electronic filing system or regular mail.

Date: June 7, 2024

/s/Peter J. Nicosia, Esq.
Peter J. Nicosia, Esquire

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

A handwritten signature in black ink, appearing to read "Amy M. Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024**1987 Tamposi Limited Partnership**

v.

Department of Transportation, Federal Aviation Administration et al**ANSWER OF ZHANG HOLDINGS, LLC**

NOW COMES Zhang Holdings, LLC, a Defendant in the above-entitled matter, by and through counsel, Cleveland, Waters & Bass, PA and ANSWERS the Petitioner to Quiet Title filed by 1987 Tamposi Limited Partnership and states the following:

Parties

1. Paragraph 1 is admitted.
2. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 2 and thus DENIES same.
3. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 3 and thus DENIES same.
4. Paragraph 4 is ADMITTED.
5. Paragraph 5 is ADMITTED.
6. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 6 and thus DENIES same.
7. Paragraph 7 is ADMITTED.
8. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 8 and thus DENIES same.

9. Paragraph 9 is ADMITTED.

10. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 10 and thus DENIES same.

11. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 11 and thus DENIES same.

12. Paragraph 12 is ADMITTED.

Facts

13. Paragraph 13 is ADMITTED.

14. Paragraph 14 is ADMITTED.

15. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 15 and thus DENIES same.

16. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 16 and thus DENIES same.

17. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 17 and thus DENIES same.

18. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 18 and thus DENIES same.

19. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 19 and thus DENIES same.

20. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 20 and thus DENIES same.

21. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in

Paragraph 21 and thus DENIES same.

22. Paragraph 22 is ADMITTED.

23. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 23 and thus DENIES same.

24. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 24 and thus DENIES same.

25. Paragraph 25 is ADMITTED.

26. Paragraph 26 is ADMITTED.

27. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 27 and thus DENIES same.

28. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 28 and thus DENIES same.

29. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 29 and thus DENIES same.

30. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 30 and thus DENIES same.

31. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 11 and thus DENIES same.

32. Paragraph 32 is ADMITTED.

33. Paragraph 33 is ADMITTED.

34. Paragraph 34 is ADMITTED

35. Paragraph 35 is ADMITTED.

36. Paragraph 36 is ADMITTED.

37. Zhang Holdings, LLC admits that the lot size and location of the building foundation violations have been in existence for over 21 years; however, Zhang Holdings, LLC is without sufficient information to either admit or deny the statements in the second sentence of Paragraph 37 and thus DENIES same.

38. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 38 and thus DENIES same.

39. Zhang Holdings, LLC admits that it has not protested or objected to the violations; however, it is without sufficient information as to whether any other person has protested or objected and thus DENIES same.

40. Paragraph 40 is ADMITTED.

41. Paragraph 41 contains conclusions of law to which no response is required.

42. Zhang Holdings, LLC admits that the actions of the Plaintiff were public, open, and conspicuous; however, it is without sufficient information to admit or deny the allegations in the remainder of Paragraph 42 and thus DENIES same.

43. Paragraph 43 contains conclusions of law to which no response is required.

44. Paragraph 44 is ADMITTED.

45. The statements in Paragraph 45 are a prayer for relief to which no response is required.

WHEREFORE, Zhang Holdings, LLC respectfully requests that the Court give due consideration to the Petitioner and the Zhang Holdings, LLC's Answer.

Respectfully submitted,
Zhang Holdings, LLC
By its Attorneys,
Cleveland, Waters & Bass, PA

Date: May 7, 2024

By: /s/ Kristin G. Fields
Kristin G. Fields, Esq. NH Bar #20631
Two Capital Plaza, 5th Floor
Concord, NH 03301
(603) 224-7761
fieldsk@cwbp.com

CERTIFICATE OF SERVICE

I hereby certify that the within document was served via the court's ecf-filing system, this 7th day of May, 2024, upon all parties having so appeared.

/s/ Kristin G. Fields
Kristin G. Fields

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

APPEARANCE/WITHDRAWAL

APPEARANCE

Type of appearance (Select One)

☐ Appearance

☐ Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

Select One:

☐ As Counsel for:

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

☐ I will represent myself (*self-represented*)



True Copy Attest

Amy M. Feliciano

Amy M. Feliciano
Clerk of Court
June 12, 2024

WITHDRAWAL

As Counsel for _____

Type of Representation: (Select one)

☐ Appearance:

☐ Notice of withdrawal was sent to my client(s) on: _____ at the following address:

☐ A motion to withdraw is being filed.

☐ Limited Appearance: (Select one)

☐ I am withdrawing my limited appearance as I have completed the terms of the limited representation.

☐ The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: _____

APPEARANCE/WITHDRAWAL

For non e-filed cases:

I state that on this date I am ☐ mailing by U.S. mail, or ☐ Email (only when there is a prior agreement of the parties to use this method), or ☐ hand delivering a copy of this document to:

Other party

Other party's attorney

OR

For e-filed cases:

☐ I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
 (if known)

APPEARANCE ~~WITHDRAWAL~~

APPEARANCE

Type of appearance (Select One)

☐ Appearance

☐ Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

Select One:

☐ As Counsel for:

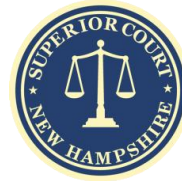
12 Murphy Drive, Suite 100, Nashua, NH 03062

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

☐ I will represent myself (*self-represented*)



True Copy Attest

Amy M. Feliciano

Amy M. Feliciano
 Clerk of Court
 June 12, 2024

WITHDRAWAL

As Counsel for _____

Type of Representation: (Select one)

☐ Appearance:

☐ Notice of withdrawal was sent to my client(s) on: _____ at the following address:

☐ A motion to withdraw is being filed.

☐ Limited Appearance: (Select one)

☐ I am withdrawing my limited appearance as I have completed the terms of the limited representation.

☐ The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: _____

~~APPEARANCE/WITHDRAWAL~~

For non e-filed cases:

I state that on this date I am ☐ mailing by U.S. mail, or ☐ Email (only when there is a prior agreement of the parties to use this method), or ☐ hand delivering a copy of this document to:

Other party

Other party's attorney

OR

For e-filed cases:

☐ I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

APPEARANCE/WITHDRAWAL

APPEARANCE


Type of appearance (Select One)

☐ Appearance ☐ Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:



True Copy Attest


Amy M. Feliciano
Clerk of Court
June 12, 2024

Select One:

☐ As Counsel for:

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

(Name) (Address) (Telephone Number)

☐ I will represent myself (*self-represented*)

WITHDRAWAL

As Counsel for _____

Type of Representation: (Select one)

☐ Appearance:
☐ Notice of withdrawal was sent to my client(s) on: _____ at the following address:

☐ A motion to withdraw is being filed.

☐ Limited Appearance: (Select one)

☐ I am withdrawing my limited appearance as I have completed the terms of the limited representation.

☐ The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: _____

APPEARANCE/WITHDRAWAL

For non e-filed cases:

I state that on this date I am ☐ mailing by U.S. mail, or ☐ Email (only when there is a prior agreement of the parties to use this method), or ☐ hand delivering a copy of this document to:

Other party

Other party's attorney

OR

For e-filed cases:

☐ I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
 (if known)

APPEARANCE/WITHDRAWAL

APPEARANCE

Type of appearance (Select One)

☐ Appearance

☐ Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

Select One:

☐ As Counsel for:

 (Name) (Address) (Telephone Number)

 (Name) (Address) (Telephone Number)

 (Name) (Address) (Telephone Number)

☐ I will represent myself (*self-represented*)



True Copy Attest

Amy M. Feliciano

Amy M. Feliciano
 Clerk of Court
 June 12, 2024

WITHDRAWAL

As Counsel for _____

Type of Representation: (Select one)

☐ Appearance:

☐ Notice of withdrawal was sent to my client(s) on: _____ at the following address:

☐ A motion to withdraw is being filed.

☐ Limited Appearance: (Select one)

☐ I am withdrawing my limited appearance as I have completed the terms of the limited representation.

☐ The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: _____

APPEARANCE/WITHDRAWAL

For non e-filed cases:

I state that on this date I am ☐ mailing by U.S. mail, or ☐ Email (only when there is a prior agreement of the parties to use this method), or ☐ hand delivering a copy of this document to:

Other party

Other party's attorney

OR

For e-filed cases:

☐ I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102**1987 Tamposi Limited Partnership**
20 Trafalgar Square, Suite 310
Nashua, New Hampshire 03063

v.

Department of Transportation
Federal Aviation Administration
New England Region
12 New England Executive Park
Burlington, MA 01803

and

Harbor Homes, Inc.
45 High Street
Nashua, New Hampshire 03060

and

Enterprise Bank
493 Amherst Street
Nashua, New Hampshire 03063

and

New Hampshire Community Loan Fund, Inc.
7 Wall Street
Concord, New Hampshire 03301

and

GSR Ventures, LLC
10 Quarry Road
Nashua, New Hampshire 03062

and

The Millyard Bank
57 Northeastern Boulevard
Nashua, New Hampshire 03062

and

**Nashua Lodge 720 Benevolent and Protective Order
of Elks of the United States of America**
12 Murphy Drive, Unit 3
Nashua, New Hampshire 03062

and

Zhang Holdings LLC
12 Murphy Drive, Suite 100
Nashua, New Hampshire 03062

True Copy Attest

A handwritten signature in black ink, appearing to read "Amy Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024

and
TD Bank, NA
300 Franklin Street
Manchester, New Hampshire 03101
and
SPSC Associates, LLC
c/o Residuary Trust under Article Fourth u/w/o James F Gieber
10 Drum Hill Lane
Randolph, New Jersey 07869

PETITION TO QUIET TITLE

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, P.A. and complains against the Defendants, Department of Transportation FAA, Harbor Homes, Inc., Enterprise Bank, Community Loan Fund, GSR Ventures, LLC, Millyard Bank, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America, Zhang Holdings, LLC, TD Bank, NA and SPSC Associates, LLC c/o Residuary Trust under Article Fourth u/w/o James F Gieber, and states as follows:

PARTIES

1. The Plaintiff, 1987 Tamposi Limited Partnership, a New Hampshire limited partnership with a principal place of business at 20 Trafalgar Square, Suite 310, Nashua, New Hampshire.
2. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is a United States government organization with a mailing address of 12 New England Executive Park, Burlington, Massachusetts.
3. The Defendant, Harbor Homes, Inc. is a New Hampshire non-profit corporation with a principal place of business at 45 High Street, Nashua, New Hampshire.

4. The Defendant, Enterprise Bank and Trust Company is a foreign profit corporation with a principal address of 222 Merrimack Street, Lowell, Massachusetts with a branch office located at 493 Amherst Street, Nashua, New Hampshire.

5. The Defendant, New Hampshire Community Loan Fund, Inc. is a New Hampshire non-profit corporation with a principal address of 7 Wall Street, Concord, New Hampshire.

6. The Defendant, GSR Ventures, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Unit 100, Nashua, New Hampshire.

7. The Defendant, The Millyard Bank is a domestic profit corporation with a principal address of 57 Northeastern Boulevard, Nashua, New Hampshire.

8. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is a New Hampshire non-profit corporation with a principal address of 12 Murphy Drive, Unit 3, Nashua, New Hampshire.

9. The Defendant, Zhang Holdings, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Suite 100, Nashua, New Hampshire.

10. The Defendant, TD Bank, N.A., is a national banking association, with a principal address at 2035 Limestone Road, Wilmington, Delaware with a local main office at 300 Franklin Street, Manchester, New Hampshire.

11. The Defendant, SPSC Associates, LLC is a domestic limited liability company with a mailing address of c/o Residuary Trust under Article Fourth u/w/o James F Gieber, 10 Drum Hill Lane, Randolph, New Jersey.

12. This court has jurisdiction as the real estate in question is owned by the Plaintiff is located in Nashua, County of Hillsborough and State of New Hampshire.

FACTS

13. The Plaintiff is the owner of the real estate located at 57 Northeastern Boulevard, Nashua, New Hampshire, and shown as Tax Map 140, Lot 68 on the City of Nashua Tax Assessor's sheets. The property was conveyed to the Plaintiff by deed of Q. Peter Nash and Debra A. Nash, Trustees of the Gerald Q. Nash 1987 Trust, David Tully and Samuel A. Tamposi, Jr. Trustees of the Samuel A. Tamposi 1987 Trust, Ballinger Properties, LLC and Five N Associates, dated April 5, 1995, and recorded in the Hillsborough County Registry of Deeds in Book 5620, Page 601. Reference is also made to a name change document recorded in said Registry February 1, 2000 in Book 6205, Page 1463.

14. The Plaintiff's property is also shown as Lot 68/Sheet 140 on a Plan of Land entitled "Subdivision Plan, 55 Northeastern Boulevard, Nashua, NH" dated May 28, 2002 and recorded in the Hillsborough County Registry of Deeds as Plan No. 32343.

15. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is the owner of property located at 11 Murphy Drive, Nashua, New Hampshire and acquired title by deed dated August 18, 1995 and recorded in the Hillsborough County Registry of Deeds in Book 5649, Page 1296.

16. Harbor Homes, Inc. is the owner of property located at 75-77 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated January 11, 2017 and recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1207.

17. The Defendant, Enterprise Bank and Trust Company is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1210 and an Assignment of Rents and Leases recorded at Book 8936, Page 1232.

18. The Defendant, New Hampshire Community Loan Fund, Inc. is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage is recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1237 and an Assignment of Rents and Leases recorded at Book 8936, Page 1257.

19. GSR Ventures is the owner of 12 Murphy Drive, Unit 100, Nashua, New Hampshire and acquired title by deed dated August 15, 2005 and recorded in the Hillsborough County Registry of Deeds in Book 7524, Page 2615.

20. The Defendant, The Millyard Bank is the holder of a mortgage granted by GSR Ventures, LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9642, Page 2915 and an Assignment of Rents and Leases recorded at Book 9642, Page 2932.

21. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is the owner of property located at 12 Murphy Drive, Unit 3, Nashua, New Hampshire and acquired title to the property by deed dated July 22, 2016 and recorded in the Hillsborough County Registry of Deeds at Book 8877, Page 2882.

22. The Defendant, Zhang Holdings LLC is the owner of property located at 12 Murphy Drive, Suite 100, Nashua, New Hampshire and acquired title to the property by deed dated March 23, 2023 and recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2200.

23. The Defendant, TD Bank, N.A. is the holder of a mortgage granted by Zhang Holdings LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2202 and an Assignment of Leases and Rents recorded at Book 9690, Page 2236.

24. SPSC Associates, LLC is the owner of property located at 85 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated April 22, 1999 and recorded in the Hillsborough County Registry of Deeds at Book 6093, Page 1165.

25. The above-referenced Subdivision Plan was submitted to the City of Nashua Planning Board. Following a public hearing and on August 8, 2002, the City of Nashua Planning Board approved the Subdivision Plan. The plan of land creating the Plaintiff's lot was recorded in the Hillsborough County Registry of Deeds on March 21, 2003 as Plan No. 32343.

26. The subdivision application and the approved plan depicted the creation of the Plaintiff's lot whereby the lot would contain 2.18 acres.

27. On May 13, 2003, the City of Nashua Building Inspector issued a "Foundation Only" building permit for the property. In 2003, the Plaintiff constructed the foundation in accordance with the permit. The foundation is set back approximately 30 feet from Northeastern Boulevard.

28. A site plan dated September 4, 2019 was prepared on behalf of the Plaintiff and submitted with the City of Nashua Planning Board. The 2019 site plan depicted a two-story building with associated parking areas, accessways, walkways and drainage areas. The site plan depicted a building with less than 75 feet building setback from Northeastern Boulevard.

29. A 28,000 square foot commercial office building and improvements including parking, access ways, drainage areas and landscaping was constructed on the property in 2020. The building was constructed on the foundation installed in 2003.

30. The site plan depicted paving and other artificial surface areas, some of which had a setback of less than 10 feet from all property lines on the lot.

31. The 2019 site plan also depicted the lot as containing 2.18 acres.

32. On April 4, 1977, Samuel A. Tamposi and Gerald Q. Nash executed a Declaration of Covenants which was recorded in the Hillsborough County Registry of Deeds on April 20, 1977 at Book 2521, Page 631, hereinafter “Covenants”. A copy of the Covenants is attached hereto as Exhibit 1.

33. The Covenants imposed several restrictions on the Plaintiff’s property including the following Covenants:

- A. There shall be no use or sale or conveyance of any lot in the above-described parcels unless such lot shall be at least three (3) acres in size.
- B. No more than forty percent (40%) of the area of any such lot shall be utilized by any buildings or structures or combination thereof.
- C. Every building or structure on any such lot shall be set back a minimum of seventy-five (75) feet from all street lines, and a minimum of thirty (30) feet from all other property lines of the lot on which they stand. All paving or other artificial surfacing shall be set back a minimum of ten (10) feet from all property lines of the lot on which it is placed.
- ...
- H. The said premises shall be used in conformity with the requirements of the Zoning Ordinance of the City of Nashua as amended to July 22, 1966.

34. Since 2002, the subject parcel has contained 2.18 acres whereas Covenant A requires 3 acres.

35. The subject property contains building area, including paved areas, access ways and walk ways, which comprise more than 40% of the area of the lot.

36. The building on the property is located less than 75 feet from Northeastern Boulevard, specifically, the building is located approximately 30 feet from Northeastern Boulevard and elements of the paving and other artificial surface areas are not set back 10 feet from all property lines.

37. The violation of the lot size and location of the building foundation has been in existence for over 21 years. The violation of lot lines has been publicly disclosed, notice of which was provided to the Defendants or their predecessors in title and installed in such a way that it has been open, obvious and notorious.

38. The building, ancillary structures, improvements and setbacks conform to the Zoning Ordinance for the City of Nashua in effect at the time of the construction. The Zoning Ordinance in effect in 1966 is not applicable to the building as constructed and approved decades later.

39. No person acting through the Defendants or any other person have protested or objected to any violation of the Covenants or otherwise sought to enforce the Covenants.

40. At the time of the creation of the Covenants in 1977, the Plaintiff's property was vacant. The improvements and structures constructed are significant changes to the property. These improvements are in harmony with the existing uses of the area including the uses of the Defendants' properties. The Defendants would not be benefitted by enforcement of the Covenants.

41. Injunctive relief against violation of the obligations arising out of a promise respecting the use of land cannot be secured if conditions have so changed since the making of the promise as to make it impossible longer to secure in a substantial degree the benefits intended to be secured by the performance of the promise. See *Restatement (First) of Property* § 564 (1944) cited in *Goldberg v Al Tinson, Inc.* 115 N.H. 271, 274 ((1975).

42. All actions of the Plaintiff were done in a public manner, openly and conspicuously. In reliance upon the lack of any objection, the building was constructed on the

property and in conformance with the site plan and subdivision plan. Any enforcement of the Covenants is unreasonable and will cause substantial prejudice to the Plaintiff.

43. Because it is an equitable doctrine, “laches will constitute a bar to suit only if the delay was unreasonable and prejudicial.” *Jenot v. White Mt. Acceptance Corp.*, 124 N.H. 701, 710, 474 A.2d 1382, 1387 (1984).

44. The Covenants constitute a cloud upon the Plaintiff’s title to the property and no benefit would accrue to the Defendants by any enforcement thereof.

45. Plaintiff seeks a declaratory ruling that the Covenants are null and void and that an enforcement action cannot be maintained as a result of the expiration of 20 years since the lot was created and the foundation installed, the changed circumstances and the unreasonable delay on behalf of the Defendants or any other person or entity thereunder who would have standing to enforce the Covenants.

WHEREFORE, the Plaintiff respectfully requests:

- A. That the Court schedule this matter for a hearing on the merits;
- B. That the Court issue and rule that the Defendants may not enforce the Covenants so that the Plaintiff may continue to use and occupy the building, structures and improvements constructed on Lot 68/140 being 57 Northeastern Boulevard, Nashua, New Hampshire consistent with the site plans and permits as approved by the City of Nashua, unencumbered by the Declaration of Covenants;
- C. For such other and further relief as may be just.

Respectfully submitted,


1987 TAMPOSI LIMITED PARTNERSHIP,
By Its Sole General Partner,
Ballinger Properties, L.L.C.

Dated: February 26, 2024

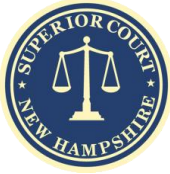
By: , Manager
Samuel A. Tamposi, Jr., Manager

BY AND THROUGH ITS ATTORNEYS,
GOTTESMAN & HOLLIS, PA

Dated: February 26, 2024

By: 
Paul M. DeCarolis, Esq. (NH Bar #596)
39 East Pearl Street
Nashua, NH 03060
(603) 889-5959
pdecarolis@nh-lawyers.com

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

DOCKET MARKINGS
AS TO DEFENDANT ZHANG HOLDINGS, LLC ONLY

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its attorneys, Gottesman & Hollis, P.A., and Defendant Zhang Holdings, LLC, by and through its attorneys, Cleveland, Waters & Bass, P.A., and agree as follows:

"Neither party; no interest; no costs; no further action for the same cause."

Respectfully submitted

1987 TAMPOSI LIMITED PARTNERSHIP

By its attorneys,
GOTTESMAN & HOLLIS, P.A.Paul M. DeCarolis, Esq., NH Bar No. 596
39 East Pearl Street
Nashua, NH 03060
(603) 889-5959
pdecarolis@nh-lawyers.comDated: May 29, 2024

ZHANG HOLDINGS, LLC

By its Attorneys,
CLEVELAND, WATERS & BASS, P.A.Kristin G. Fields, Esq. (NH Bar No. 20631)
Two Capital Plaza, 5th Floor
Concord, NH 03301
(603) 224-7761
fieldsk@cwbp.comDated: 5/30, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of ~~May~~^{JUNE}, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.



Paul M. DeCarolis

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICTSUPERIOR COURT
226-2024-CV-00102

True Copy Attest

A handwritten signature in black ink, appearing to read "Amy M. Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

PLAINTIFF'S MOTION TO EXTEND SERVICE DEADLINE

NOW COMES, the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, PA, and requests that this Court extend the deadline for service of the Summons/Complaint, and in support thereof, states as follows:

1. Plaintiff filed its Petition to Quiet Title with the Court on February 27, 2024 and the Court issued orders of notice for service on the multiple defendants on March 4, 2024. The orders of notice indicated that service must be completed by April 18, 2024.
2. On March 5, 2024, Plaintiff's counsel hand delivered 7 Summonses to the Hillsborough County Sheriff's Office in Nashua with instructions to serve the defendants: Harbor Hoes, Inc., Enterprise Bank, GSR Ventures, LLC, Millyard Bank, Nashua Elks Lodge 720, Zhang Holdings, LLC and SPSC Associates, LLC. The cover letter indicated that should the sheriff's office encountered service issues, to immediately contact Plaintiff's counsel's office.
3. On March 6, 2024, Plaintiff's counsel forwarded a summons to the Middlesex County Sheriff's Office in Chelmsford, Massachusetts with instruction to serve the FAA at 12 New England Executive Park in Burlington, Massachusetts.

Clerk's Notice of Decision
Document Sent to Parties
on 04/30/2024

GrantedA handwritten signature in black ink, appearing to read "Charles S. Temple".
Honorable Charles S. Temple
April 22, 2024

4. On March 8, 2024, Plaintiff's counsel notified the sheriff's office that service was not necessary for Harbor Homes, Inc. as Attorney J. Bradford Westgate indicated that he would accept service on behalf of Harbor Homes, Inc.

5. Plaintiff's office has contacted the Hillsborough County Sheriff's Office multiple occasions, including last week, to inquire to the status of the service of the multiple defendants and was informed that they are aware of the return date and all service should be completed by that date.

6. On April 2, 2024, undersigned counsel received a call from the Middlesex County Sheriff's Office indicating that they were in possession of the summons but their office has been backlogged and they were attempting to serve the FAA prior to the deadline. As of the date of this filing, service has not been completed.

7. Plaintiff's counsel contacted the Hillsborough County Sheriff's Office on April 18 and was informed that only a few of the defendants were served. Service was completed on Enterprise Bank on April 2, 2024 and on the Millyard Bank and Zhang Holdings, LLC on April 9, 2024. There were having service issues with GSR Ventures, Nashua Elks Lodge and SPSC Associates, LLC.

8. The Hillsborough County Sheriff's Office has had the summonses for 6 weeks and only started to serve the defendants until the beginning of April, ran into issues with service and not once contacted Plaintiff's office regarding the issue of service. Undersigned counsel requested the returns of service for those that have been served, and was told that the paperwork was not ready.

9. Defendant SPSC Associates, LCC listed the firm of Merra & Kanakis as the registered agent with the NH Secretary of State in its Annual Report dated March 21, 2024, even

though that firm is no longer active. Plaintiff will serve SPSC Associates, LLC via the Secretary of State's office and registered mail.

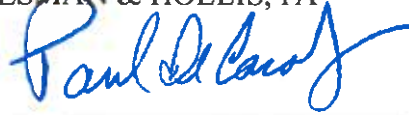
10. Due to the issues of service regarding the remaining defendants, Plaintiff requests an additional 45 days to complete service.

WHEREFORE, the Plaintiff respectfully requests:

- A. Extend the return of service deadline to June 3, 2024 in order to allow the Plaintiff to complete service on the remaining defendants; and
- B. For such other and further relief as may be just and equitable.

Respectfully submitted,

1987 TAMPOSI LIMITED PARTNERSHIP,
By its Attorneys,
GOTTESMAN & HOLLIS, PA



Dated: April 18, 2024

By:

Paul M. DeCarolus, Esq. (NH Bar #596)
39 East Pearl Street
Nashua, NH 03060
(603) 889-5959
pdecarolis@nh-lawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.



Paul M. DeCarolus, Esq.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232
2233
2234
2235
2236
2237
22

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

1987 Tamposi Limited Partnership,)
)
 Plaintiff,)
)
 v.)
)
 Department of Transportation,)
 Federal Aviation Administration, et al.)
)
 Defendants.)
 _____)



True Copy Attest

A handwritten signature in black ink, appearing to read "Amy Feliciano".

Amy M. Feliciano
 Clerk of Court
 June 12, 2024

NOTICE OF FILING OF
NOTICE OF REMOVAL OF CIVIL ACTION

TO: Amy M. Feliciano
 Clerk of Court
 Hillsborough Superior Court Southern District
 30 Spring Street
 Nashua, NH 03060

Paul M. DeCarolus, Esquire
 Gottesman & Hollis, PA
 39 East Pearl Street
 Nashua, NH 03060

J. Daniel Marr, Esquire
 Hamblett & Kerrigan, PA
 20 Trafalgar Square, Suite 505
 Nashua, NH 03063

Peter J. Nicosia, Esquire
 Nicosia & Associates, PC
 P.O. Box 721
 Tyngsboro, MA 01879

Please take notice that on June 12, 2024, Jane E. Young, United States Attorney for the District of New Hampshire, filed with the Clerk of the United States District Court for the District of New Hampshire, a notice of the removal of the above-entitled action. A copy of the notice is attached.


Respectfully submitted,

JANE E. YOUNG
United States Attorney

By: /s/ Michael McCormack
Michael McCormack
Assistant U.S. Attorney
NH Bar No. 16470
United States Attorney's Office
53 Pleasant Street, 4th Floor
Concord, NH 03301
(603) 225-1552
Michael.McCormack2@usdoj.gov

Dated: June 12, 2024

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: Hillsborough Superior Court Southern District 

Case Name: 1987 Tamposi Limited Partnership vs. Department of Transportation et al

Case Number: 226-2024-CV-00102
 (if known)

APPEARANCE/WITHDRAWAL

APPEARANCE

Type of appearance (Select One)

☒ Appearance ☐ Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

Select One:

☒ As Counsel for:

SPSC Associates LLC

(Name)	(Address)	(Telephone Number)
(Name)	(Address)	(Telephone Number)
(Name)	(Address)	(Telephone Number)

☐ I will represent myself (*self-represented*)



True Copy Attest

Amy M. Feliciano
 Clerk of Court
 June 12, 2024

WITHDRAWAL

As Counsel for _____

Type of Representation: (Select one)

☐ Appearance:
☐ Notice of withdrawal was sent to my client(s) on: _____ at the following address:

☐ A motion to withdraw is being filed.

☐ Limited Appearance: (Select one)

☐ I am withdrawing my limited appearance as I have completed the terms of the limited representation.

☐ The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Name: **1987 Tamposi Limited Partnership vs. Department of Transportation et al**Case Number: **226-2024-CV-00102****APPEARANCE/WITHDRAWAL****For non e-filed cases:**

I state that on this date I am ☐ mailing by U.S. mail, or ☐ Email (only when there is a prior agreement of the parties to use this method), or ☐ hand delivering a copy of this document to:

1987 Tamposi Limited Partnership

Other party

Paul M. DeCarolus, Esq.

Other party's attorney

OR**For e-filed cases:**

☒ I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Peter J. Nicosia, Esq.

Name of Filer

Nicosia & Associates PC**14922**

Law Firm, if applicable

Bar ID # of attorney

PO Box 721, 259 Middlesex Road

Address

Tyngsboro

City

MA ☐

State

01879

Zip code


/s/Peter J. Nicosia

Signature of Filer

04/24/2024

Date

(978) 649-4300

Telephone

nicosia@nicosia-associates.com

E-mail



**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

SUMMONS IN A CIVIL ACTION

1987 Tamposi Limited Partnership v Department of Transportation Federal

Case Name: **Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

June 22, 2024

1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

July 13, 2024

1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant
is served

Department of Transportation Federal Aviation Administration must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

Notice to Department of Transportation Federal Aviation Administration: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolus, ESQ
Department of Transportation
Federal Aviation
Administration

J. Daniel Marr, ESQ

Peter J. Nicosia, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060
12 New England Executive Park Burlington MA 01803

Hamblett & Kerrigan PA 20 Trafalgar Sq Ste 505 Nashua NH
03063

Nicosia & Associates PC PO Box 721 Tyngsboro MA 01879

BY ORDER OF THE COURT

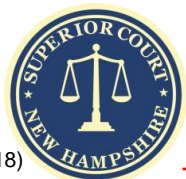
May 08, 2024

Amy M. Feliciano
Clerk of Court

True Copy Attest

Amy M. Feliciano
Clerk of Court

NHJB-2678-Se (07/01/2018)



This is a Service Document For Case: 226-2024-CV-00102
Hillsborough Superior Court Southern District
6/12/2024 2:10 PM

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

**1987 TAMPOSI LIMITED PARTNERSHIP
INSTRUCTIONS FOR SERVICE
BY THE SHERIFF'S DEPARTMENT**

Case Name: **1987 Tamposi Limited Partnership v Department of Transportation Federal Aviation Administration, et al**
Case Number: **226-2024-CV-00102**

Instructions for: 1987 Tamposi Limited Partnership

The attached Summons must be sent to the Sheriff's Department for service. Service must be completed on or before **June 22, 2024**.

Further action is required by you

You must:

- **Print two copies of the Summons per defendant**
- **Print two copies of the Notice to Defendant per defendant**
- **Print two copies of the Complaint filed with the Court per defendant**
- **Make two packets for service. Each packet should contain:**
 - **One Summons**
 - **Once Notice for Defendant**
 - **One Complaint filed with the Court**
- **Mail or hand deliver the packets to the Sheriff's Department in the county where each defendant resides.**

Sheriff Departments in New Hampshire:

[Belknap County Sheriff's Department:](#)

[Carroll County Sheriff's Department:](#)

[Cheshire County Sheriff's Department:](#)

[Coos County Sheriff's Department:](#)

[Grafton County Sheriff's Department:](#)

[Hillsborough County Sheriff's Department:](#)

[Merrimack County Sheriff's Department:](#)

[Rockingham County Sheriff's Department:](#)

[Strafford County Sheriff's Department:](#)

[Sullivan County Sheriff's Department:](#)

If one or more of the parties resides out of state, please click [here](#) for the requirements

Service must be made upon the defendant before **June 22, 2024**.

If the Sheriff is unable to complete service by **June 22, 2024** you will receive a "Notice of Incomplete Service" from the Sheriff's Department. You may request that new paperwork be issued by electronically filing a Request for Documents. There is a fee for this request.

The Sheriff will mail the 'Return of Service' to you. You **MUST** electronically file the 'Return of Service' with the court by July 13, 2024.

If service is not made as directed, no further action will occur and the case may be dismissed by the court.

Important Service Information for Sheriff

Do not file this with the court

Provide this information to the Sheriff's Department.

See Instructions for Service for more information.

PLEASE PRINT CLEARLY

Date: _____

Case #: _____

Who are you requesting to be served?

Please provide whatever information you know

Name: _____

Address for service (no P.O. boxes):

_____ APT #: _____

Home phone #: _____ Cell phone #: _____

Sex: ☐ Male ☐ Female Race: _____

Last 4 digits of SS#: xxx-xx- _____ D.O.B. _____

Work name & address:

Special instructions for service (i.e. directions, best time to serve, cautions, etc.):

Vehicle description/license plate:

Your Information:

Name (please print): _____

Residential address:

Mailing address:

Phone number to contact you during business hours:

_____ Alternate #: _____

Signature

◆IN-HAND SERVICE WILL INCUR EXTRA COSTS DUE TO ADDITIONAL TRAVEL◆

SHERIFF OFFICE USE ONLY: (This will vary by Sheriff's Office)

Fees Paid: \$ _____ Cash #: _____ Check#: _____

Id#: _____ Waiver: _____ Money Order#: _____ Credit Card: _____

Sheriff File # _____ Authorization #: _____

Instructions for filing the Return of Service:

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.nh.gov, select the Electronic Services icon and then select the option for a self-represented party.

1. Select "I am filing into an existing case". Enter 226-2024-CV-00102 and click Next.
2. When you find the case, click on the link follow the instructions on the screen. On the "What would you like to file?" screen, select "File Other Document" and choose "Return of Service".
3. Scan the Return of Service packet and follow the instructions in the electronic filing program to upload the Return of Service to complete your filing.
4. If the sheriff was unable to serve the paperwork, you can request new paperwork by filing a Request for Documents. On the "What would you like to file?" screen, select "File Other Document" and choose "Request for Reissued Summons" from the menu and upload the Request for Documents form.

FAILURE TO FILE THESE DOCUMENTS MAY RESULT IN YOUR CASE BEING DISMISSED.

May 08, 2024

Date

Amy M. Feliciano

Clerk of Court

You can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE TO DEFENDANT

1987 Tamposi Limited Partnership v Department of Transportation

Case Name: **Federal Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.nh.gov, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.nh.gov.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

**U.S. Department of Justice**

Jane E. Young
United States Attorney
District of New Hampshire

Federal Building
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301

(603) 225-1552

June 12, 2024

Amy M. Feliciano
Clerk of Court
Hillsborough Superior Court Southern District
30 Spring Street
Nashua, NH 03060



True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

Re: 1987 Tamposi Limited Partnership v. Department of Transportation, FAA, et al.
Case Number: 226-2024-CV-00102

Dear Clerk Feliciano:

Rule 81.1(c) of the Rules of the United States District Court for the District of New Hampshire states that a party filing a notice of removal of an action from a state court to a Federal District Court must, within 10 days, also file a certified or attested copy of all records and proceedings of that state court and a certified or attested copy of all docket entries of that state court. Accordingly, I am requesting that you mail to this office a certified or attested copy of all papers on record and a list of the docket entries in the above-captioned case. Only one certification is needed for the entire package, I do not need certification of individual pages.

If there is a charge for this, please bill this office, including on the bill your tax identification number.

Sincerely,

JANE E. YOUNG
United States Attorney

By: /s/ Michael McCormack
Michael McCormack
Assistant U.S. Attorney

cc: Paul M. DeCarolus, Esquire

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____
Case Name: _____
Case Number: _____
(if known)

REQUEST FOR DOCUMENTS I am requesting:

☐ New Summons for service

I am requesting paperwork for service by (choose one):

☐ Sheriff ☐ Certified Mail (if allowed by law)

Person to be served:

Name

Address

City State Zip code

☐ Writ of Execution (RSA 527:6)

☐ Original Writ (Writ of Attachment)

☐ Juror Questionnaires

☐ Certificates and Certified Copies

☐ Entire file ☐ Document(s) (please list below)

☐ Certificate of Judgment

☐ Exemplification of Judgment

Name of Filer

Law Firm, if applicable Bar ID # of attorney

Address

City State Zip code

Signature Date

Telephone

E-mail



True Copy Attest

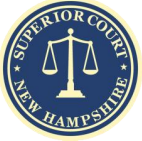
A handwritten signature in black ink, appearing to read "Amy Feliciano".

Amy M. Feliciano
Clerk of Court
June 12, 2024

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>



True Copy Attest

Amy M. Feliciano
Clerk of Court
June 12, 2024

SUMMONS IN A CIVIL ACTION



1987 Tamposi Limited Partnership v Department of Transportation Federal

Case Name: **Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

April 18, 2024

1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

May 09, 2024

1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant
is served

Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

Notice to Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolus, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060

Department of Transportation	12 New England Executive Park Burlington MA 01803
Federal Aviation	
Administration	
Harbor Homes, Inc	45 Hight Street Nashua NH 03060
Enterprise Bank	493 Amherst Street Nashua NH 03063
New Hampshire Community	7 Wall Street Concord NH 03301
Loan Fund, Inc	
GSR Ventures, LLC	10 Quarry Road Nashua NH 03062
The Millyard Bank	57 Northeastern Boulevard Nashua NH 03062
Nashua Lodge 720 Benevolent	12 Murphy Drive Unit 3 Nashua NH 03062
and Protective Order of Elks	
Zhang Holdings, LLC	12 Murphy Drive Suite 100 Nashua NH 03062
TD Bank, NA	300 Franklin Street Manchester NH 03101
SPSC Associates, LLC	c/o Residuary Trust under Article Fourth u/w/o James F Gieber
	10 Drum Hill Lane Randolph NJ 07869

BY ORDER OF THE COURT

March 04, 2024

Amy M. Feliciano
Clerk of Court

(1261021)

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

**1987 TAMPOSI LIMITED PARTNERSHIP
INSTRUCTIONS FOR SERVICE
BY THE SHERIFF'S DEPARTMENT**

Case Name: **1987 Tamposi Limited Partnership v Department of Transportation Federal Aviation Administration, et al**
Case Number: **226-2024-CV-00102**

Instructions for: 1987 Tamposi Limited Partnership

The attached Summons must be sent to the Sheriff's Department for service. Service must be completed on or before **April 18, 2024**.

Further action is required by you

You must:

- **Print two copies of the Summons per defendant**
- **Print two copies of the Notice to Defendant per defendant**
- **Print two copies of the Complaint filed with the Court per defendant**
- **Make two packets for service. Each packet should contain:**
 - **One Summons**
 - **Once Notice for Defendant**
 - **One Complaint filed with the Court**
- **Mail or hand deliver the packets to the Sheriff's Department in the county where each defendant resides.**

Sheriff Departments in New Hampshire:

[Belknap County Sheriff's Department:](#)

[Carroll County Sheriff's Department:](#)

[Cheshire County Sheriff's Department:](#)

[Coos County Sheriff's Department:](#)

[Grafton County Sheriff's Department:](#)

[Hillsborough County Sheriff's Department:](#)

[Merrimack County Sheriff's Department:](#)

[Rockingham County Sheriff's Department:](#)

[Strafford County Sheriff's Department:](#)

[Sullivan County Sheriff's Department:](#)

If one or more of the parties resides out of state, please click [here](#) for the requirements

Service must be made upon the defendant before **April 18, 2024**.

If the Sheriff is unable to complete service by **April 18, 2024** you will receive a "Notice of Incomplete Service" from the Sheriff's Department. You may request that new paperwork be issued by electronically filing a Request for Documents. There is a fee for this request.

The Sheriff will mail the 'Return of Service' to you. You **MUST** electronically file the 'Return of Service' with the court by May 09, 2024.

If service is not made as directed, no further action will occur and the case may be dismissed by the court.

Important Service Information for Sheriff

Do not file this with the court

Provide this information to the Sheriff's Department.

See Instructions for Service for more information.

PLEASE PRINT CLEARLY

Date: _____

Case #: _____

Who are you requesting to be served?

Please provide whatever information you know

Name: _____

Address for service (no P.O. boxes):

_____ APT #: _____

Home phone #: _____ Cell phone #: _____

Sex: ☐ Male ☐ Female Race: _____

Last 4 digits of SS#: xxx-xx- _____ D.O.B. _____

Work name & address:

Special instructions for service (i.e. directions, best time to serve, cautions, etc.):

Vehicle description/license plate:

Your Information:

Name (please print): _____

Residential address:

Mailing address:

Phone number to contact you during business hours:

_____ Alternate #: _____

Signature

◆IN-HAND SERVICE WILL INCUR EXTRA COSTS DUE TO ADDITIONAL TRAVEL◆

SHERIFF OFFICE USE ONLY: (This will vary by Sheriff's Office)

Fees Paid: \$ _____ Cash #: _____ Check#: _____

Id#: _____ Waiver: _____ Money Order#: _____ Credit Card: _____

Sheriff File # _____ Authorization #: _____

Instructions for filing the Return of Service:

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Select "I am filing into an existing case". Enter 226-2024-CV-00102 and click Next.
2. When you find the case, click on the link follow the instructions on the screen. On the "What would you like to file?" screen, select "File Other Document" and choose "Return of Service".
3. Scan the Return of Service packet and follow the instructions in the electronic filing program to upload the Return of Service to complete your filing.
4. If the sheriff was unable to serve the paperwork, you can request new paperwork by filing a Request for Documents. On the "What would you like to file?" screen, select "File Other Document" and choose "Request for Reissued Summons" from the menu and upload the Request for Documents form.

FAILURE TO FILE THESE DOCUMENTS MAY RESULT IN YOUR CASE BEING DISMISSED.

March 04, 2024
Date

Amy M. Feliciano
Clerk of Court

You can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE TO DEFENDANT

1987 Tamposi Limited Partnership v Department of Transportation

Case Name: **Federal Aviation Administration, et al**

Case Number: **226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.state.nh.us.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.